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ELECTION UNDER 35 USC §121

Examining Group 3738

Patent Application

Docket No. GJE-30

Serial No. 09/297,486

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Alvin Stewart
Art Unit : 3738
Applicants : John Francis Martin, Seppo Yla-Herttuala, Stephen George Edward Barker
Serial No. : 09/297,486
Filed : April 30, 1999
For : Therapeutic Use of an Agent That Stimulates NO or Prostacyclin Production and Delivery Device

Assistant Commissioner for Patents
Washington, D.C. 20231

ELECTION UNDER 35 USC §121

Sir:

In response to the written Restriction Requirement dated September 25, 2000 in the above-identified patent application, Applicants hereby elect to prosecute the invention of Group I (claims 1-15), without traverse. Applicants wish to point out that claims 1-38 are pending in the subject application and that new claims 37 (which depends from claim 15) and 38 (which depends from claim 32) were added by Preliminary Amendment when the application was filed. However, claims 37 and 38 were not included in the Examiner's written Restriction Requirement. Applicants believe that new claim 37 would be restricted to Group I based on the Examiner's description of the subject matter in the outstanding Restriction Requirement and based on its dependency to claim 15. Applicants respectfully request that claim 37 be considered in Group I for examination in the subject application.

Applicants invite the Examiner to call the undersigned if clarification is needed or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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